

Jul 12, 2021

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

CHARLES JOSEPH REEVIS,

Plaintiff,

v.

SPOKANE COUNTY SUPERIOR
COURTS, US DEPARTMENT OF
JUSTICE DIRECTOR FBI
MISCONDUCT DIVISION, US
DISTRICT COURT EASTERN
WASHINGTON, SPOKANE
COUNTY DETENTION SERVICES,
and STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND
HEALTH SERVICES
BEHAVIORAL HEALTH
ADMINISTRATION EASTERN
STATE HOSPITAL,

Defendants.

NO: 2:21-CV-00072-RMP

ORDER DISMISSING ACTION

By Order filed May 26, 2021, the Court granted Plaintiff Charles Joseph Reevis thirty days to voluntarily dismiss this action. ECF No. 7. The Court found that Mr. Reevis's *pro se* submission, five two-page Standard Form 95 ("SF 95s"), filed while he was incarcerated at the Spokane County Corrections Center, did not

1 support a federal tort claim. *Id.* at 4–6. Consequently, Plaintiff’s claims were
2 subject to dismissal for lack of subject matter jurisdiction. *See McNeil v. United*
3 *States*, 508 U.S. 106, 110, 113 (1993).

4 Plaintiff is currently housed at Comprehensive Health Care - Yakima
5 Competency Restoration, and is proceeding *in forma pauperis*, but without the
6 obligation to pay the \$350.00 filing fee for this action. ECF No. 6. Plaintiff did
7 not avail himself of the opportunity to voluntarily dismiss this action.

8 Accordingly, **IT IS ORDERED:**

9 1. This action is **DISMISSED** without prejudice for lack of subject matter
10 jurisdiction.

11 2. Based on the Court’s reading of *Hoffmann v. Pulido*, 928 F.3d 1147,
12 1152 (9th Cir. 2019), this dismissal will NOT count as a “strike” under
13 28 U.S.C. § 1915(g).

14 3. This case is **DISMISSED** and **CLOSED**.

15 4. Judgment of dismissal without prejudice shall be entered for Defendants.

16 **IT IS SO ORDERED.** The District Court Clerk is **DIRECTED** to enter
17 this Order, enter judgment, provide a copy to Plaintiff and **CLOSE** the file. The
18 Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal of this Order
19 would not be taken in good faith and would lack any arguable basis in law or fact.

20 **DATED** July 12, 2021.

21

s/ Rosanna Malouf Peterson
ROSANNA MALOUF PETERSON
United States District Judge